NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
FACT SHEET

Permittee Name: Sunrise Hotel Wastewater Treatment Plant

Mailing Address: P.O. Box 117
Greer, AZ 85927

Facility Location: Sunrise Park Resort
Greer, AZ 85927

Contact Person(s): Mae Burnett, Facilities Supervisor

NPDES Permit No.: AZ0022837

I. STATUS OF PERMIT

The White Mountain Apache Tribe (the "permittee") has applied for the renewal of their National Pollutant Discharge Elimination System ("NPDES") permit to allow the discharge of treated effluent from the Sunrise Hotel Wastewater Treatment Plant to Snake Creek, located in Apache County, Arizona. A complete application was submitted on July 17, 2007. EPA Region IX has developed this permit and fact sheet pursuant to Section 402 of the Clean Water Act, which requires point source dischargers to control the amount of pollutants that are discharged to waters of the United States through obtaining a NPDES permit.

The permittee is currently discharging under NPDES permit AZ0022837 issued on January 19, 2003. Pursuant to 40 CFR 122.21, the terms of the existing permit are administratively extended until the issuance of a new permit.

This permit has been classified as a Minor discharger.

II. GENERAL DESCRIPTION OF FACILITY

Treatment is achieved with an activated sludge system that provides secondary treatment to the resort wastewater. The resort population, and therefore its wastewater production, fluctuates significantly from day to day and season to season, but all discharges under this permit are due to hotel operations and not industrial uses. The facility has a design flow of 40,000 gallons per day (151.4 m^3 per day) and the average daily flow is 25,500 gallons per day (96.5 m^3 per day). Treated wastewater is discharged to Snake Creek at latitude 33º 57' 30" N and longitude 109º 34' 15" W. The facility is located in Apache County, 20 miles east of the town of McNary, Arizona.

III. DESCRIPTION OF RECEIVING WATER

In order to protect the designated uses of surface waters, the White Mountain Apache Tribe (WMAT) of the Fort Apache Indian Reservation has adopted water quality standards for different stream segments depending on the level of protection required. The WMAT Water Quality Protection Ordinance lists Snake Creek as coldwater habitat. Designated uses in Snake Creek include irrigation, livestock and wildlife, secondary contact, gathering of medicinally or otherwise culturally significant plants, and cultural significance.

IV. DESCRIPTION OF DISCHARGE

A. Process Description

Treatment is achieved with an activated sludge package plant that provides secondary treatment to the hotel wastewater. The system consists of a series of three 7000 gallon (26.5 m^3) aeration tanks followed by a final tank that serves as a clarifier. Treated wastewater is disinfected with chlorine tablets then dechlorinated before discharge to the receiving water.

B. Discharge Monitoring Report (DMR) Data and Permit Compliance

The existing permit requires the permittee to sample at the outfall for biochemical oxygen demand (BOD), suspended solids, fecal coliform bacteria, pH, and total ammonia once a month and report results quarterly. The permit also requires weekly sampling for total residual chlorine at the outfall and at two locations in the receiving water. DMR data for the period between January 2003 and December 2007 (the most recent DMR received) was reviewed for the purpose of developing this permit. The following summarizes the DMR data for the discharge from the facility:

Flow: Values were not reported with the DMRs from January 2003 to March 2004, nor for dates since October 2006. Reporting has only included the units ("MGD") but no numerical values since 10/2006. The flows that were recorded, April 2004 through October 2006 (excluding 'no discharge' periods in April-May 2005 and October-November 2005), range from 10,000 to 34,200 gallons per day, not exceeding the design capacity of 35,000 gallons per day. Note that the claimed design capacity has been increased to 40,000 gallons per day in this permit reapplication after testing at the facility.

BOD: For those months in which data were submitted (there have been two recent gaps due to unpaid bills at Mojave Lab, which performs the tests for the Tribe), average concentration values ranged from less than 5 to 84 mg/L in the 48 reported values, exceeding the average monthly permit limitation of 30 mg/L during 5 months and the average weekly concentration of 45 mg/L on 4 of those occasions. Average mass flow values were only reported between April 2004 and October 2006 (the same period for which flow data were submitted, with the same pair of 'no discharge' periods); these values ranged from 0.27 to 6.7 kg/day, exceeding the average monthly limit of 4 kg/day in two months; and on those same two occasions exceeding the weekly average mass limitation of 6 kg/day. BOD removal ranged between 22% and 99%, and did not meet the 85% removal standard in 15 of the 48 DMRs. Three of the 15 exceedences were associated with exceedences of the concentration limits, indicating that failure to meet 85% removal was not caused by low BOD concentrations in the influent.

On the other 12 occasions of exceedences, low BOD concentration in the influent (16 to 50 mg/L) resulted in the inability to attain a higher percent removal rate.

Total Suspended Solids: Average concentration values ranged between 5 and 239 mg/L in the 48 reported values, exceeding the average monthly permit limitation of 30 mg/L on 12 occasions and the average weekly concentration of 45 mg/L on 7 occasions. Average mass flows were only reported for 26 monitoring periods (again April 2004 through October 2006 excluding April, May, October, and November 2005) and ranged between 0.19 and 13.7 kg/day, exceeding the average monthly limitation of 4 kg/day on 4 occasions and the average weekly mass limitation of 6 kg/day on 2 occasions. Suspended solids removal ranged between -70% (greater outflow than input) and 99%. Removal of less than the required 85% occurred in 18 of 48 months, of which 4 months showed zero or net-negative removal; 11 of those 18 exceedences are associated with, and therefore likely caused by, low influent TSS (10 to 72 mg/l).

Fecal Coliform Bacteria: Values ranged between 10 and 89,000 cfu (colony forming units) per 100 mL in the 46 reported counts. The monthly average permit limit of 1000 cfu per 100 mL sample was exceeded in 18 of the reports and the daily maximum effluent limit of 4000 cfu per 100 mL sample was exceeded in 9 of the 46 reports, indicating that disinfection was not consistently effective. Note that an ambiguous value (“>200 cfu / 100 mL”) which does not provide meaningful information for compliance purposes has been excluded from the data for these analyses.

Total Residual Chlorine: There are several gaps in the reported data, including no values submitted between Oct. 2006 and June 2007, and the required 20-feet and 50-feet downstream samples were collected only from March 2005 through September 2006. Based on the data that are available, reported values ranged between 0 and 0.1 mg/L at the outfall and at the 20’ downstream site. The 50’ downstream site yielded values between 0 and 0.09 mg/L.

pH: Values ranged between 6.4 and 7.9 in the 39 values reported (with a single exception, values since October 2006 have only been reported as “N/A”, which is invalid, and have thus been excluded). On one occasion the pH dropped below the minimum set in the permit (6.5).

Total ammonia: Reported values ranged between 0.10 and 20.56 mg/L in 46 reports. The existing permit does not contain effluent limitations for total ammonia, but it does contain a requirement to monitor and report monthly.

Whole Effluent Toxicity Testing: Testing was required once during the term of the existing permit, but this testing was not conducted.

V. DETERMINATION OF NUMERICAL EFFLUENT LIMITATIONS

EPA has developed effluent limitations and monitoring requirements in the permit based on an evaluation of the technology used to treat the pollutant(s) (technology-based effluent limits) and the water quality standards applicable to the receiving water (water quality-based effluent limits). For discharges from the Sunrise Hotel Wastewater Treatment Plant into Snake Creek, it is additionally required that these discharges comply with the water quality standards limitations

set forth in the White Mountain Apache Tribe's Water Quality Protection Ordinance. EPA has established the most stringent of applicable technology based or water quality based standards in the proposed permit, as described below.

A. Applicable Technology-based Effluent Limitations

Publicly Owned Wastewater Treatment Systems (POTWs)
EPA developed technology-based treatment standards for municipal wastewater treatment plants in accordance with Section 301(b)(1)(B) of the Clean Water Act. The minimum levels of effluent quality attainable by secondary treatment for Biochemical Oxygen Demand (BOD_5), Total Suspended Solids (TSS), and pH, as defined in 40 CFR 133.102, are listed below and are incorporated into the permit:

Concentration Based Effluent Limits			
	30-day Average	7-day Average	30-day average Removal Efficiency
BOD_5	30 mg/l	45 mg/l	85 % minimum
TSS	30 mg/l	45 mg/l	85 % minimum
Mass Based Effluent Limits (based on 40,000 GPD flow)			
BOD_5	4.5 kg/day	6.8 kg/day	
TSS	4.5 kg/day	6.8 kg/day	

B. Water Quality-Based Effluent Limitations ("WQBELs")

Water quality-based effluent limitations, or WQBELS, are required in NPDES permits when the permitting authority determines that a discharge causes, has the reasonable potential to cause, or contributes to an excursion above any water quality standard. (40 CFR 122.44(d)(1))

When determining whether an effluent discharge causes, has the reasonable potential to cause, or contributes to an excursion above narrative or numeric criteria, the permitting authority shall use procedures which account for existing controls on point and non point sources of pollution, the variability of the pollutant or pollutant parameter in the effluent, the sensitivity of the species to toxicity testing (when evaluating whole effluent toxicity) and where appropriate, the dilution of the effluent in the receiving water. (40 CFR 122.44 (d) (1) (ii)).

EPA evaluated the reasonable potential to discharge toxic pollutants according to guidance provided in the *Technical Support Document for Water Quality-Based Toxics Control* (TSD) (Office of Water Enforcement and Permits, U.S. EPA, March 1991) and the *U.S. EPA NPDES Permit Writers Manual* (Office of Water, U.S. EPA, December 1996). These factors include:

1 Applicable standards, designated uses and impairments of receiving water
2 Dilution in the receiving water
3 Type of industry
4. History of compliance problems and toxic impacts
5. Existing data on toxic pollutants - Reasonable Potential analysis

1. Applicable standards, designated uses and impairments of receiving water

The Water Quality Protection Ordinance of the White Mountain Apache Tribe of the Fort Apache Indian Reservation establishes water quality criteria for the following beneficial uses in Snake Creek: Coldwater Habitat, Irrigation, Livestock and Wildlife, Secondary Contact, Gathering of Medicinally or Otherwise Culturally Significant Plants, and Cultural Significance.

2. Dilution in the receiving water

Discharge from Outfall 001 is to Snake Creek, for which the Tribe has not authorized a mixing zone. Therefore, no dilution of the effluent has been considered in the development of water quality based effluent limits applicable to the discharge.

3. Type of industry

Typical pollutants of concern for discharges from a publicly-owned treatment works (POTW), namely untreated and treated domestic wastewater, include ammonia, nitrate, oxygen demand, pathogens, temperature, pH, oil and grease, and solids. Chlorine and turbidity may also be of concern due to treatment plant operations.

Additional Concentration Based Effluent Limits			
	30-day Average	Daily Maximum	WMAT Water Quality Protection Ordinance reference
Total Residual Chlorine		0.1 mg/L	Section 3.5
E. Coli	47 cfu/100 ml	88 cfu/100 ml	Section 3.6, for secondary contact
Total Ammonia	Determine from permit attachment C (coldwater chronic exposure table)	Determine from permit attachment C (coldwater acute exposure table)	Section 3.6 referencing to coldwater habitat tables in Appendix A

Additional Effluent Limits and monitoring	
	(based on the WMAT Water Quality Protection Ordinance section 3.6)
pH	Must be in the range of 6.5 to 9.0 standard units
Temperature	Maximum of 23º Celsius (Coldwater Habitat standards); monitoring and reporting required to determine ammonia form and limit
Total Phosphorous	0.1 mg/l (Coldwater Habitat standards)
Total Nitrate	10.00 mg/l (Domestic/Industrial Water Supply and Groundwater Recharge standards)
Turbidity	25.00 NTU[(1)] (Primary Contact and Ceremonial Primary Contact standards)

[(1)] Nephelometric Turbidity Units

4. History of compliance problems and toxic impacts

See section IV for a summary of compliance problems noted under the previous 5-year permit term.

5. Existing data on toxic pollutants

For pollutants with effluent data available, EPA has conducted a reasonable potential analysis based on statistical procedures outlined in EPA's *Technical Support Document for Water Quality-based Toxics Control* herein after referred to as EPA's TSD (EPA 1991). These statistical procedures result in the calculation of the projected maximum effluent concentration based on monitoring data to account for effluent variability and a limited data set.

In this case, the noted exceedences of limits set under the previous permit constitute evidence of reasonable potential, and no statistical analysis is necessary.

C. Rationale for Effluent Limits

EPA evaluated the pollutants expected to be present in the discharge effluent as described in the previous sections. In addition to the statistical analysis performed above, guidance for the determination of reasonable potential to discharge toxic pollutants is included in both the *Technical Support Document for Water Quality-Based Toxics Control* (TSD) (Office of Water Enforcement and Permits, U.S. EPA, March 1991) and the *U.S. EPA NPDES Permit Writers Manual* (Office of Water, U.S. EPA, December 1996).

EPA has selected the most stringent of applicable technology based standards or water quality based effluent limitations to be placed in the permit, based on the rationale as described below:

Flow. Under the proposed permit, there are no limits established for flow, but flow rates must be monitored and reported. Monitoring is required weekly.

BOD_5 and TSS. Concentration limits for BOD_5 and TSS are established for POTWs as described above and are incorporated into the permit. Under 40 CFR Section 122.45(f), mass limits are also required for BOD_5 and TSS. Based on the design flow, the mass based limits are based on the following calculations:

Average Monthly Mass Limits:

Design Flow (daily average)	X Average Monthly Concentration Limit	X Conversion factor	= Weekly Average Mass Limit
0.04 mgd	30 mg/l	3.785	4.5 kg/day

Average Weekly Mass Limits:

Design Flow (daily maximum)	X Average Weekly Concentration Limit	X Conversion factor	= Weekly Average Mass Limit
0.04 mgd	45 mg/l	3.785	6.8 kg/day

***E. Coli*.** In accordance with the White Mountain Apache Tribe Water Quality Protection Ordinance, the Tribe's stated emphasis on E. Coli standards for compliance as opposed to the Total Fecal Coliforms previously applied year-round, and especially in light of repeated significant exceedences of daily maximum limits in the Total Fecal Coliform data, the facility will be required to monitor the concentration of *E.Coli* in its effluent.

pH. In order to support the tribe's established Ammonia standards, which vary with the pH of the effluent, and to ensure adherence to the minimum and maximum pH levels designated by the tribe for the receiving water, weekly pH monitoring is required in the permit.

Temperature. Also to support the tribe's established Ammonia standards and their dependence on temperature, as well as ensure adherence to the maximum temperature established for the Designated Use of Coldwater Habitat, weekly temperature monitoring is required in the permit.

Turbidity. In order to implement the Tribal standard for Primary Contact use waters, a turbidity standard with weekly monitoring requirement has been included in the permit.

Total Ammonia. Due to the high concentrations of ammonia reported in the DMR's (suspected to have exceeded the limits set forth in the White Mountain Apache Water Quality Protection Ordinance in 9 reports), the proposed permit contains effluent limitations for total ammonia.

Total Residual Chlorine. Due to the absence especially of protracted downstream monitoring despite its inclusion in the previous permit requirements, the proposed permit retains the requirement to monitor chlorine concentrations at the discharge and downstream of the discharge on a weekly basis.

Nitrate. In accordance with the Tribal standards for Domestic/Industrial Water Supply and Groundwater Recharge, and due to the repeated difficulty in attaining the Ammonia standard, a Nitrate limit with monthly monitoring has been included in the permit.

Oil and Grease, total recoverable. In accordance with standard EPA water quality protection requirements for a Publicly-Owned Treatment Works (POTW), an oil and grease standard has been incorporated into the permit.

Phosphorous. To protect the designated use of Coldwater Habitat, a Phosphorous limit has been included in the permit, with monthly monitoring.

Whole-Effluent Toxicity. Whole-Effluent Toxicity testing is intended to demonstrate that there are no unexpected toxic components of the discharge escaping to the receiving water undetected, and to prompt a response if they are present. It is therefore generally required of all first-time permittees, and as needed thereafter. In the absence of the data collection that has been requested under each previous issuance of this permit, the proposed permit requires chronic toxicity testing to be conducted once during the first ninety (90) days of this permit, to reflect significant discharge in the summer resort season.

D. Anti-Backsliding

Section 402(o) of the CWA prohibits the renewal or reissuance of an NPDES permit that contains effluent limits less stringent than those established in the previous permit, except as

provided in the statute. The proposed permit does not establish any effluent limits less stringent than those in the previous permit and does not allow backsliding.

E. Antidegradation Policy

EPA's antidegradation policy at 40 CFR 131.12 and the White Mountain Apache Tribe Water Quality Protection Ordinance require that existing water uses and the level of water quality necessary to protect the existing uses be maintained.

As described in this document, the permit establishes effluent limits and monitoring requirements to ensure that all applicable water quality standards are met. The permit does not include a mixing zone, therefore these limits will apply at the end of pipe without consideration of dilution in the receiving water.

Therefore, due to the low levels of toxic pollutants present in the effluent, high level of treatment being obtained, and water quality based effluent limitations, it is not expected that the discharge will adversely affect receiving water bodies.

VI. NARRATIVE WATER QUALITY-BASED EFFLUENT LIMITS

Section 3.5 of the White Mountain Apache Tribe Water Quality Protection Ordinance contains narrative water quality standards applicable to the receiving water. Therefore, the proposed permit incorporates applicable narrative water quality standards.

VII. MONITORING AND REPORTING REQUIREMENTS

The permit requires the permittee to monitor for pollutants or parameters with technology-based effluent limits and water quality-based effluent limits in the effluent for the duration of the permit term. Additionally, where effluent concentrations of toxic parameters are unknown or where data is insufficient to determine reasonable potential, EPA may establish monitoring requirements in the permit. These data will be re-evaluated and the permit re-opened to incorporate effluent limitations if necessary.

A. Effluent Monitoring and Reporting

The permittee shall conduct effluent monitoring to evaluate compliance with the proposed permit conditions. The permittee shall perform all monitoring, sampling and analyses in accordance with the methods described in the most recent edition of 40 CFR 136, unless otherwise specified in the proposed permit. All monitoring data shall be reported on monthly DMR forms and submitted quarterly as specified in the proposed permit.

Composite samples will be required for total ammonia; which should allow for proper characterization of the effluent. Grab samples will be required for BOD_5, *E. Coli*, pH, temperature, total suspended solids, turbidity, total residual chlorine, nitrate, and phosphorous. Additionally, ambient monitoring is required to determine representative temperature and pH in the receiving water.

VIII. OTHER CONSIDERATIONS UNDER FEDERAL LAW

A. Impact to Threatened and Endangered Species

Section 7 of the Endangered Species Act of 1973 (16 U.S.C. § 1536) requires federal agencies to ensure that any action authorized, funded, or carried out by the federal agency does not jeopardize the continued existence of a listed or candidate species, or result in the destruction or adverse modification of its habitat. Since the issuance of NPDES permits by the EPA is a federal action, consideration of the permitted discharge and its effect on any listed or candidate species or their critical habitat is appropriate.

To determine whether the discharge would affect any endangered species or habitat, EPA reviewed a list of threatened and endangered species associated with aquatic habitats in the White Mountain Apache Reservation. The U.S. Fish and Wildlife Service of Arizona Fishery Resource Office in Pinetop, Arizona concurs with the WMAT's list of threatened and endangered species. The review indicated that there are three bird, two fish, and one amphibian species of concern for Apache County, including the Bald eagle (*Haliaeetus leucocephalus*), Mexican spotted owl (*Strix occidentalis lucida*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Apache trout (*Oncorhynchus apache*), Loach Minnow (*Tiaroga cobitis*), and Chiricahua leopard frog (*Rana chiricahuensis*). The major reason for decline of the Bald eagle is the effect of DDT on the reproductive cycle. The major reason for decline in the remaining species of concern is habitat destruction.

This NPDES Permit authorizes the discharge of effluent from the Sunrise Hotel Wastewater Treatment Plant into receiving water that could be a habitat for the aforementioned threatened and endangered species. However, the discharge is not known to contain toxics or bioaccumulative substances. Additionally, this NPDES permit only authorizes discharge of treated municipal waste into Snake Creek and contains provisions for monitoring conventional pollutants and conducting toxicity testing to ensure an appropriate level of water quality discharged from the facility. Re-opener clauses have been included should new information become available to indicate that the requirements of the permit need to be changed.

In considering all information available during the drafting of this permit, EPA believes that a NO EFFECT determination is appropriate for this federal action. A copy of the draft permit and statement of basis were forwarded to the WMAT Wildlife and Outdoor Recreation Division for review and comment during the pre-public notice review period and 30-day public review period.

B. Impact to Coastal Zones

The Coastal Zone Management Act ("CZMA") requires that Federal activities and licenses, including Federally permitted activities, must be consistent with an approved state Coastal Management Plan (CZMA Sections 307(c)(1) through (3)). Section 307(c) of the CZMA and implementing regulations at 40 CFR 930 prohibit EPA from issuing a permit for an activity affecting land or water use in the coastal zone until the applicant certifies that the proposed activity complies with the State (or Territory) Coastal Zone Management program, and the State (or Territory) or its designated agency concurs with the certification.

The proposed permit does not affect land or water use in the coastal zone.

C. Impact to Essential Fish Habitat

The 1996 amendments to the Magnuson-Stevens Fishery Management and Conservation Act ("MSA") set forth a number of new mandates for the National Marine Fisheries Service, regional fishery management councils and other federal agencies to identify and protect important marine and anadromous fish species and habitat. The MSA requires Federal agencies to make a determination on Federal actions that may adversely impact Essential Fish Habitat ("EFH").

The proposed permit contains technology-based effluent limits and numerical and narrative water quality-based effluent limits as necessary for the protection of applicable aquatic life uses. The proposed permit does not directly discharge to areas of essential fish habitat. Therefore, EPA has determined that the proposed permit will not adversely affect essential fish habitat.

D. Impact to National Historic Properties

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effect of their undertakings on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. Pursuant to the NHPA and 36 CFR § 800.3(a)(1), EPA is making a determination that issuing this proposed NPDES permit does not have the potential to affect any historic properties or cultural properties. As a result, Section 106 does not require EPA to undertake additional consulting on this permit issuance.

IX. STANDARD CONDITIONS

A. Reopener Provision

In accordance with 40 CFR 122 and 124, this permit may be modified by EPA to include effluent limits, monitoring, or other conditions to implement new regulations, including EPA-approved water quality standards; or to address new information indicating the presence of effluent toxicity or the reasonable potential for the discharge to cause or contribute to exceedences of water quality standards.

B. Standard Provisions

The draft permit requires the permittee to comply with EPA Region IX Standard Federal NPDES Permit Conditions, dated July 1, 2001.

X. SIGNIFICANT CHANGES TO PREVIOUS PERMIT

- A requirement to develop a Best Management Practices (BMP) plan has been included in the permit
- due to reevaluated (increased) facility flow rate, the mass-based limits for BOD_5 and TSS have been recalculated.
-In accordance with the White Mountain Apache Tribe's stated desire to shift off of Total Fecal Coliforms standard, the year-round bacteria standard has been switched from Total Fecal Coliforms to *E. Coli*
-An ambient-temperature and ambient-pH monitoring requirement, as well as an effluent temperature monitoring requirement, have been added to make analysis of compliance with the Tribe's pH- and temperature-dependent ammonia standard possible
-The turbidity standard from the Tribal Water Quality Protection Ordinance has been added to the permit.

-The Nitrate and Phosphorous standards from the Tribal Water Quality Protection Ordinance have been added to the permit.
- Due to toxicity testing that was required but not performed under previous permits, one round of chronic Whole Effluent Toxicity testing is required within 90 days of permit issuance.

XI. ADMINISTRATIVE INFORMATION

A. Public Notice (40 CFR 124.10)

The public notice is the vehicle for informing all interested parties and members of the general public of the contents of a draft NPDES permit or other significant action with respect to an NPDES permit or application. The basic intent of this requirement is to ensure that all interested parties have an opportunity to comment on significant actions of the permitting agency with respect to a permit application or permit.

B. Public Comment Period (40 CFR 124.10)

Notice of the draft permit will be placed in a daily or weekly newspaper within the area affected by the facility or activity, with a minimum of 30 days provided for interested parties to respond in writing to EPA. After the closing of the public comment period, EPA is required to respond to all significant comments at the time a final permit decision is reached or at the same time a final permit is actually issued.

C. Public Hearing (40 CFR 124.12(c))

A public hearing may be requested in writing by any interested party. The request should state the nature of the issues proposed to be raised during the hearing. A public hearing will be held if the Director determines there is a significant amount of interest expressed during the 30-day public comment period or when it is necessary to clarify the issues involved in the permit decision.

D. Water Quality Certification Requirements (40 CFR 124.53 and 124.54)

For States, Territories, or Tribes with EPA approved water quality standards, EPA is requesting certification from the affected State, Territory, or Tribe that the proposed permit will meet all applicable water quality standards. Certification under section 401 of the CWA shall be in writing and shall include the conditions necessary to assure compliance with referenced applicable provisions of sections 208(e), 301, 302, 303, 306, and 307 of the CWA and appropriate requirements of Territory law.

After the draft permit has been revised to include any relevant comments from the 30-day public comment period, it is forwarded to WMAT for CWA Section 401 certification. This certification ensures that the permit will comply with applicable Federal CWA standards as well as with the WMAT Water Quality Protection Ordinance. EPA Region 9 will not issue this permit until a 401 certification is received.

XII. CONTACT INFORMATION

Comments submittals and additional information relating to this proposal may be directed to:

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XIII. REFERENCES

EPA. 1991. *Technical Support Document for Water Quality-based Toxics Control*. Prepared by EPA, Office of Water Enforcement and Permits, in March 1991. EPA/505/2-90-001.

EPA. 1996. *Regions IX & X Guidance for Implementing Whole Effluent Toxicity Testing Programs*, Interim Final, May 31. 1996.

EPA. 2002a. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* - Fifth Edition. Office of Water, EPA. EPA-821-R-02-012.

EPA. 2002b. *National Recommended Water Quality Criteria*. Office of Water, EPA. EPA-822-R-02-047.

EPA. 1996. *U.S. EPA NPDES Basic Permit Writers Manual*. EPA. EPA-833-B-96-003.

White Mountain Apache Tribe, 2001. *Water Quality Protection Ordinance of the White Mountain Apache Tribe of the Fort Apache Indian Reservation.*